

**IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

JOSEPH ARPAIO,

Appellant-Plaintiff,

v.

BARACK OBAMA, ET AL.

Appellees-Defendants.

Case No. on Appeal: 14-5325

Appeal from U.S. District Court
Case No. 1:14-cv-01966 (BAH)

APPELLANT'S STATEMENT OF ISSUES TO BE RAISED ON APPEAL

Pursuant to this Court's Order of December 29, 2014, Appellant hereby submits the following Statement of Issues to be raised in this proceeding.

Appellant reserves the right to alter the issues to be raised on appeal.

1. Whether the District Court erred by construing Plaintiff's case and analyzing Plaintiff's standing in relation to claims different from the actual lawsuit that Plaintiff brought, purely as a policy dispute.
2. Whether the District Court should have ruled the Executive Branch's grant of amnesty to approximately half of all illegal aliens present in the nation as an unconstitutional usurpation of legislative authority from Congress on the motion for preliminary injunction.

3. Whether the District Court erred by not requiring the Appellees to comply with the Administrative Procedures Act (APA) in granting benefits and amnesty to approximately 6 million illegal aliens on considering the motion for preliminary injunction.
4. Whether the District Court erred in considering the merits by misconstruing what the Plaintiff is challenging and arguing as challenging only the U.S. Government's internal planning of its work and priorities and/or national policy disputes.
5. Whether the District Court erred in considering the merits by concluding that Congress has endorsed the use of "deferred action" extending to the circumstances at issue in the Defendants' programs here.
6. Whether the District Court erred in considering the merits by concluding that the use of "deferred action" programs by the Executive Branch in the past provides legal authority or justification for the current deferred action.
7. Whether the District Court erred in considering the merits by concluding that granting a preliminary injunction could not redress the Plaintiff's injury.
8. Whether the District Court erred in analyzing the factual bases for Plaintiff's standing by disbelieving Petitioner's allegations in the complaint rather than taking as true all allegations of fact and all inferences.

9. Whether the District Court erred in analyzing Plaintiff's standing by concluding that the Sheriff's office suffered no injury-in-fact or interference with his official duties as Sheriff.
10. Whether the District Court erred in analyzing the factual bases for Plaintiff's standing by not crediting Sheriff Arpaio's allegations of past harm as an empirical basis for predicting increased or new harm in the future.
11. Whether the District Court erred in analyzing Plaintiff's standing in terms of "redressability" of actions by third-party actors by concluding that Plaintiff's injury could not be redressed through favorable court action.

Dated: January 28, 2015

Respectfully Submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 28th day of January, 2015 a true and correct copy of the foregoing was submitted electronically to the U.S. Court of Appeals for the District of Columbia Circuit and served via CM/ECF electronic service upon the following:

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